

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MICHAEL MOATES, DC CHRONICLE,
and DC CHRONICLE LIMITED,

Plaintiffs,

v.

FACEBOOK, INC. AND AT&T INC.,

Defendants.

Case No. 4:21-cv-00694

**AGREED MOTION FOR ENTRY OF STIPULATION
REGARDING DEADLINES RELATED TO MOTIONS TO TRANSFER**

Plaintiffs Michael Moates, DC Chronicle and DC Chronicle Limited (“Plaintiffs”), and Defendant Facebook, Inc. (“Defendant” or “Facebook”), by and through their undersigned counsel, respectfully submit as follows.

In order to efficiently present their arguments related to transfer of this case, the Plaintiffs and Defendant respectfully request the Court to enter the stipulation agreed to by the parties (and submitted as a proposed order), which provides:

- On September 21, 2021, the Court entered an Order (Dkt. 12) granting Plaintiffs’ and Defendant’s stipulation contemplating that Plaintiffs would file a motion to remand on or before October 7, 2021;
- On October 7, 2021, in lieu of a motion to remand, Plaintiffs filed a Motion to Transfer Venue and Consolidate and in the Alternative Motion for Hearing on the Matter (Dkt. 15), (“Plaintiffs’ Motion”).

- Facebook plans to file a motion to transfer this action to the U.S. District Court for the Northern District of California pursuant to a forum-selection clause in Facebook's Terms of Service;
- Plaintiffs have stated their intention to dismiss defendant AT&T, Inc. from this action and will file a Notice of Dismissal Without Prejudice of AT&T, Inc. no later than October 27;
- The parties agree that all responsive pleadings and other deadlines should be tolled until after the Court has ruled on the parties' transfer motions, as detailed herein;
- Facebook shall have until October 28 to file (i) a response to Plaintiffs' Motion and (ii) Facebook's motion to transfer;
- Plaintiffs shall have until November 12 to file (i) a reply (if any) in support of Plaintiffs' Motion and (ii) a response to Facebook's motion to transfer;
- Facebook shall have until November 19 to file a reply (if any) in support of Facebook's motion to transfer; and
- Promptly following the Court's resolution of the parties' transfer motions, the parties will meet and confer regarding a briefing schedule for Facebook's response to Plaintiffs' Complaint. In the interim, the parties agree that no merits briefing (e.g., motions to dismiss) shall be due until after this Court has ruled on Plaintiffs' and Facebook's respective transfer motions.

Dated: October 15, 2021

Respectfully submitted,

By: 

Allison Jacobsen
Texas Bar No. 00783549
HUNTON ANDREWS KURTH LLP
1445 Ross Avenue, Suite 3700
Dallas, TX 75202
Telephone: 214.979.3000
Facsimile: 214.880.0011
ajacobsen@huntonak.com
Attorney for Defendant FACEBOOK, INC.

By: /s/ Michael Moates
Michael Moates, *pro se*
2700 Colorado Blvd., No. 1526
Denton, TX 76201
Pro se Plaintiff

CERTIFICATE OF CONFERENCE

I, Allison F. Jacobsen, hereby certify that on October 14, 2021, I spoke with Amber W. Booker, counsel for AT&T, Inc. in this matter. AT&T, Inc. agrees to this Motion and the related stipulation/proposed order.


Plaintiffs also previously confirmed that they agree to this Motion and related stipulation/proposed order.



Allison F. Jacobsen

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of the same to all counsel of record. I further certify that I have served AT&T, Inc. and Plaintiffs via email.

By: 
Allison Jacobsen